



**MINUTES OF SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 12, 2001, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATIONS: Pride in Hayward Award

Mayor Cooper honored the following Hayward residents for taking great Pride in Hayward: Darrian White, Fairway Park; Ruth Boyer and Sherman Welpton, North Hayward; Shari Jacobsen, North Hayward; A. B. and Martha Gamez, Harder Tennyson; Salvador and Helen Marquez, Harder Tennyson.

Poster & Essay Contest Awards

Mayor Cooper thanked all for coming to the meeting and explained that this is the 18th Cleanup Campaign and there were over a thousand contest entries. Council Member Hilson, Chair of the Council's Environment Committee, introduced the program and acknowledged the numerous business partners for their generous donations of gift certificates to Southland Mall. He thanked the judges who were representatives of the Hayward Arts Council for their expertise and for selecting the winners.

Council Member Hilson also acknowledged staff and other members of Council's Environment Committee: Council Members Olden Henson and Kevin Dowling. He noted the selection committee that included Ed Mullins from the Hayward Chamber of Commerce, the Public Works Director Butler, Sharron Bowen and Marilyn Mosher and staff from the Water Pollution Source Control Division. Mayor Cooper and Council Member Hilson presented the awards to the student art posters and essay winners. Mayor Cooper then drew a name for the grand prize of a

DRAFT

\$500 gift certificate which was won by Cooper Hatlen, who also was awarded first place winner in the Grades level K-4 of John Muir Elementary School.

PUBLIC COMMENTS

Bruce Fox, 2065 Oak Creek Place, referred to letters that he sent to Council Members relating to his property on Tennyson.

Mayor Cooper indicated that staff would respond to his letter.

Jason Moreno, 25200 Carlos Bee Boulevard, commented on the proposed Calpine/Bechtel power plant project.

Jospeh Oberman, 620 Jefferson Street, complimented Council Members on the Calpine/Bechtel power plant project.

Robert Lopez, 369 Jane Court, discussed previous meetings and Redevelopment proposals.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 5, 2001

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency meeting of June 5, 2001

2. Mission Boulevard at Industrial Parkway Spot Widening Project: Approval of Addenda and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated June 12, 2001, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to introduce and adopt the following:

Resolution 01-083, "Resolution Approving Addenda Nos. 1 and 2 for the Mission Boulevard at Industrial Parkway Spot Widening Project, Project No. 5736, and Awarding Contract to O.C. Jones and Sons, Inc."



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3. Utility Service Agreement 01-2 - John Clay (Applicant/Owner) - Authorize the City Manager to Execute a Utility Service Agreement for Sewer Service at 23885 Eden Avenue

Staff report submitted by Development Review Services Engineer Garcia, dated June 12, 2001, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 01-084, "Resolution Authorizing the City Manager to Execute a Public Street Improvement Agreement and Utility Service Agreement 01-2 - John Clay (Applicant/Owner) for Sewer Service at 23885 Eden Avenue and Directing Staff to Apply to the Local Agency Formation Commission (LAFCO) for Approval"

4. Fire Station No. 5 Modifications: Authorization to Execute an Agreement for Professional Services

Staff report submitted by Deputy Director of Public Works Bauman, dated June 12, 2001, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 01-085, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and MWM, Architects, for Professional Services Relating to the Fire Station No. 5 Modifications Project, Project No. 6926"

5. Authorization to Submit Letter to State EMS Authority Regarding Endotracheal Intubation

Staff report submitted by Fire Chief Arfsten, dated June 12, 2001, was filed.

DRAFT

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to approve giving authorization for staff to submit a letter to the State EMS Authority regarding Endotracheal Intubation.

HEARINGS

6. Downtown Business Improvement Area (DBIA) Consideration of Modified Annual Levy and Modified DBIA Zones

Staff report submitted by Redevelopment Director Bartlett, dated June 12, 2001, was filed.

Redevelopment Specialist Williams described the purpose of the modifications for the area. The first action is to create a new zone 1A, which is the core downtown area. This change would also increase the levies in this area, which then reflects increased benefits; the action would also reduce the maximum levy assessments by \$75.

Mayor Cooper opened the public hearing at 8:56 p.m.

Frank Goulart, 22248 Main Street, commented on the perceived inequities between various zones. He also asked what the maximum in Zone 1A would be.

Redevelopment Specialist Williams responded to this question that a greater percentage of the costs adjust the levy that has a greater nexus between the benefits received and the levies paid.

City Manager Armas added that the BIA Board wanted to make sure that the total amount of income did not change. He commented that only 20-30 businesses would be in the outlying areas, most of the businesses are in the newly created Zone 1A.

Mayor Cooper closed the public hearing at 8:59 p.m.

Council Member Ward moved the item and commented that he was pleased staff brought back this item which reflects Council Members wish to reflect the costs versus benefits in the area.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-086, "Resolution Confirming the Annual Report and Authorizing the Downtown Business Improvement Area



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(DBIA) Levy and Benefit Zone Changes for Calendar Year 2002"

7. Certification of Final EIR and Introduction of an Ordinance Approving Proposed Amendment to the Downtown Hayward Redevelopment Plan, and Related Documents

Staff report submitted by Redevelopment Director Bartlett, dated June 12, 2001, was filed.

Council/RA Dowling reported that his employer is a property owner and therefore, he would not participate in this discussion and action.

Redevelopment Director Bartlett made the staff report, showing the overview of the proposed area in relation to the existing area. She described the five-part test in existing conditions to include an area in the Redevelopment Area. The area must be 100% urbanized area, has both physical and economic blight, the area is not utilized, and improper use is a burden on the community. She commented on the goals for the area, which include developing entry ways into the City and neighborhoods; increase quantity and quality of parks and recreational facilities; to support quality affordable and market-rate housing; support circulation and traffic-related improvements along arterial roadways; attract neighborhood and community serving commercial development; install public improvements as needed in neighborhood areas; improve the capacity of auto dealerships by clustering dealers and developing common amenities; and, to consider a mixed-use plan for the South Hayward BART Station.

She presented the projected plan amendment revenue, described the final environmental impact report as a program EIR. She described the mitigation-monitoring program, which assumes full development. She also noted that there are significant unavoidable impacts that include traffic growth, seismic ground shaking and possible alteration on demolition of historic properties. She also referred to the statement of overriding consideration and the report from the Hayward Redevelopment Advisory Committee (HRAC). Staff supports the undergrounding efforts on Mission Boulevard and the proposal to extend the banner program for auto dealerships.

She enumerated the neighborhood streets included in this proposal where homeowners expressed concerns. A revised resolution was sent to the dais to address additional concerns by various property owners. She noted that traffic congestion could not be included in defining blight by Redevelopment Law.

DRAFT

The Redevelopment Plan is required to be in conformance with the General Plan. As the General Plan changes, so does the Redevelopment Plan. The plan amendment projects are flexible and the schools remain fully funded under the Redevelopment Plan.

Staff requested that the Agency Board conduct the public hearing to accept the reports from the Planning Commission, the HRAC and recommend the adoption of the FEIR. It was recommended to continue the introduction of the Ordinance as well as the Resolution adopting findings in response to written objections until next week.

Council/RA Member Jimenez read from the staff report emphasizing that there are no plans of acquiring the affected properties through eminent domain. He commented that the City must proceed with the program.

Council/RA Member Henson discussed the HRAC concerns related to the traffic congestion. He commented that one of the main reasons for consideration of traffic congestion was the issue of public safety vehicles maneuverability. He noted that this would not have to be considered as blight.

City Manager/Executive Director Armas commented that this report wanted to identify specific information under redevelopment law. The City Council has the opportunity to deal with the traffic in the area in a different manner.

Council/RA Hilson reiterated that Redevelopment does not mean removal, but renewal. He empathized with neighborhood concerns related to eminent domain. He discussed stabilizing neighborhoods.

Redevelopment Director Bartlett provided examples of improvement projects such as infrastructure needs, a need for the planting of trees and landscaping of street medians, neighborhood-housing improvement needs as well as address the need of community facilities.

Mayor/Chair Cooper opened the public hearing at 9:29 p.m.

Linda Martin 947 Devon Drive, asked about the notification that was sent. She said she received no official notices except a newsletter. She said no one on her street knew of the hearing.

Mayor/Chair Cooper asked staff for a response to this.

Barbara Heringer-Sworn, 22585 7th Street, spoke on the eminent domain issues and discussed the history of her family home on Atherton.



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Frank Goulart, 22248 Main Street, commented on the EIR and the mitigation related to historic structures in the area. He suggested showing respect to long-term residents and voting "no" on eminent domain in this proposal. He asked Council Members to return the EIR for further work.

David Schaff, 2870 Kelly Street, who owns property on Rockford Road, said he was notified by a neighbor of this hearing. He expressed his concerns related to blight. He did not want his neighborhood taken. He asked about the timetable for the project.

Sean O'Brien, 21920 Rockford Road, stated that no one on his street was notified, nor was his neighborhood was not notified. He does not want the area rezoned.

City Manager/Executive Director Armas commented the Redevelopment Plan does not rezone anyone's property. The Redevelopment Agency does not have the authority to change zoning on parcels.

Council/RA Member Hilson asked staff whether this notice was mailed to every property owner.

Redevelopment Director Bartlett explained that staff was assured that every homeowner and resident in the area was notified.

Council/RA Member Ward suggested stating further information on the plan for those in the audience who may not have received information.

City Manager/Executive Director Armas said the plan is proposed for 45 years.

Sandra Carlson, 26671 Luvena Drive, read her objections. She commented that most of her neighbors felt the notice looked like junk mail. She objected to the description of blight for the neighborhood; she objected to the eminent domain; she said she and her neighbors would like the right to sue, in the future.

Susanne Cox, 24942 O'Neil Avenue, a 24-year resident, objected to the high-density plans.

Tim Cruser, 26646 Luvena Drive, resident since 1976. He commented that he is a member of the Carpenter's Union. He stated similar objections as previously described. He commented on the walking overpass that has barbed wired at the top, is not handicapped accessible and requested a sound wall rather than just the cyclone fence along their backyards that separate their

DRAFT

homes from BART tracks. He also objected to the mailing not going to individuals. He suggested loans to homeowners to be able to fix up their homes.

Council/RA Member Henson discussed the word "blight."

City Manager/Executive Director Armas clarified that "blight" by State law requires the City to generalize rather than separate out particular blighted parcels. He noted that even the speakers commented on further concerns in the neighborhoods. There are two types of blight, physical and economic. properties with hazardous materials, building dilapidated, declining property factors, a preponderance of vacancies in a commercial area, and higher incidents of crime in the area.

Community and Economic Development Director Ehrenthal described various programs the City offers to homeowners for improving their property. With Redevelopment, the City can provide a higher level of service.

Robert Rook, representing Carpenters Union, Local 713, spoke against the proposal. He discussed the definition of blight requirements. This Redevelopment Plan will mean relocation in the neighborhood.

Barbara Field, 1788 Knox Street, Castro Valley, asked whether the Redevelopment Plan will use any of the monies set aside for the Route 238 bypass, since many of the houses bought by CalTrans are in this area.

Dan Houle, 21923 Rockford Road, did not received notification of this hearing. He said he is fearful of losing his first house. He noted a number of problems in their neighborhood such as abandoned vehicles, potholes, and vacant lots with debris on them.

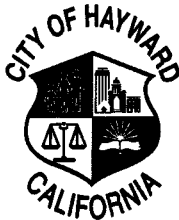
Louis Garcia, 22825 Watkins Street, expressed his concerns against eminent domain. He said he opposed any change in the law.

Mike Houlihan, 4125 Alpine Road, Portola Valley, insisted that the cloud over any development in the area is colored by the 238 By-pass. He encouraged the Council to take a stand on the Bypass, if the bypass is coming, it is affecting the Redevelopment Plan.

City Manager/Executive Director Armas commented that it is in the General Plan.

Mayor/Chair Cooper responded that the citizens have voted twice to support the 238 Bypass.

Pete Rick, 24100 Mission Boulevard, commented that the Redevelopment Agency should be more sensitive to the property owners and help with financing when it is necessary for improving



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homes.

Robert Warden, 22835 Watkins, objected to eminent domain and other concerns. Redevelopment may not be a bad thing but it is threatening to homeowners. He thanked the Hayward Police Department for their support in helping homeowners as well as the City Manager for providing information.

Art Vargas, 19079 Almond Road, said this notice was his first notification. He said he owns properties on Mission Boulevard. He expressed concern about the length of time Redevelopment has already been in the downtown and how little has been done. He objected to the lack of information sent to homeowners.

Jason Moreno, 25200 Carlos Bee Boulevard, commented against the use of eminent domain.

Mayor/Chair Cooper closed the public hearing at 10:26 p.m.

Mayor/Chair Cooper asked that staff comment on the notification process because of the number of people who commented that they did not receive the notice.

Redevelopment Director Bartlett informed the Council that staff utilized a consultant, and introduced Ernie Gluber, GRC Redevelopment Consultant, who noted that a purchased mailing list was used. The property owners' list used is from the assessor's parcel list. Each mailing agency signs an affidavit of mailing to assure that the items were actually placed in the United States Mail. He said the mail is sent first class, presorted. Notice was also published for four consecutive weeks in the local newspaper. For this mailing, 4200 addresses were used.

Council/RA Member Ward asked about similar situations in other areas and whether it is possible to mitigate the problem. He was told it has happened in other areas, as well. He noted that word does get out.

Council/RA Member Ward asked about continuing the two items to a further meeting in more than one week. Staff noted that two weeks would delay one year's work of increments.

City Attorney/General Council O'Toole, commented that the Agency is required by law to respond to written notices and objections to the plan.

DRAFT

Council/RA Member Hilson moved, seconded by Council/RA Member Ward, to adopt the staff's revised recommendation.

Council/RA Member Rodriguez asked about the notification process saying it is a major concern. Communication is our biggest problem at all levels of government. Eminent domain and blight are genuine fears for the neighborhoods. She expressed concerns for the definition of blight as one-car garages and one bedroom for two children. She also commended the speakers and appreciated their concerns.

Council/RA Member Henson clarified that the two recommendations not included in the motion were also the eminent domain changes. He made clear that it is not the Redevelopment Agency's desire to put residents out of their homes. He commented on the public participation at a public meeting that took place recently at Chabot College regarding the General Plan update. He noted that there were more in attendance at this public hearing than at that public meeting. He suggested the use of an automated telephone service for notification as a follow-up or backup.

Council/RA Member Hilson explained that it takes a number of years to finance projected improvements and while the downtown core area is being completed, finances are limited, but incremental. He noted that Council is apprised of the sensitivity of this plan.

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Ward, and carried, with Council Member Dowling abstaining, to adopt the following:

RA Resolution 01-08, "Resolution Certifying the Completion of the Final Environmental Impact Report for the Proposed Amendment to the Redevelopment Plan for the Downtown Hayward Redevelopment Project - Mission/Foothill Boulevard Corridor; Adopting a Statement of Findings, Facts, and Overriding Considerations; and Adopting a Mitigation Monitoring Plan"

Resolution 01-088, "Resolution Considering and Making Findings as to the Final Environmental Impact Report for the Proposed Amendment to the Redevelopment Plan for the Downtown Hayward Redevelopment Project - Mission/Foothill - Mission/Foothill Boulevard Corridor; Adoption of a Statement of Findings, Facts, and Overriding Considerations; and Adopting a Mitigation Monitoring Plan"

Resolution 01-089, "Resolution Finding that the Use of Taxes Allocated from the Amendment Area of the Downtown Hayward



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Redevelopment Project – Mission/Foothill Boulevard Corridor for the Purpose of Improving and Increasing the Community's Supply of Low- and Moderate-Income Housing Outside the Project Area will be of Benefit to the Project"

RA Resolution 01-09, "Resolution Finding that the Use of Taxes Allocated from the Amendment Area of the Downtown Hayward Redevelopment Project – Mission/Foothill Boulevard Corridor for the Purpose of Improving and Increasing the Community's Supply of Low- and Moderate-Income Housing Outside the Project Area will be of Benefit to the Project"

COUNCIL REPORTS

Council Member Hilson reported on his recent trip to the National League of Cities Information Technology Subcommittee in Nashville, Tennessee. He discussed technology privacy, as well as convergence. He added his positive impressions of the City of Nashville.

ADJOURNMENT

Mayor Cooper adjourned at 10:57 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency

DRAFT